

IN THE UTAH COURT OF APPEALS

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In the interest of W.M., B.M., and G.S., persons under eighteen years of age.)	MEMORANDUM DECISION
)	(Not For Official Publication)
)	Case No. 20061052-CA
)	
S.S.,)	F I L E D
)	(January 19, 2007)
Appellant,)	
)	2007 UT App 15
v.)	
)	
C.G. and K.C.G.,)	
)	
Appellees.)	

Third District Juvenile, Salt Lake Department, 179536
The Honorable Robert S. Yeates

Attorneys: Jeffrey J. Noland, Salt Lake City, for Appellant
Randall L. Skeen, Salt Lake City, for Appellees
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Greenwood, Billings, and Orme.

PER CURIAM:

S.S. (Mother) appeals the termination of her parental rights in her children W.M., B.M., and G.S. Mother asserts that the juvenile court incorrectly concluded that it was in the children's best interest to terminate Mother's parental rights when the court did not terminate the parental rights of G.S.'s father; thereby allegedly making G.S. ineligible for adoption by G.S.'s grandparents. We affirm.

When an appellant challenges the sufficiency of the evidence supporting a finding or conclusion, "the appellant must include in the record a transcript of all evidence relevant to" the challenged finding or conclusion. Utah R. App. P. 54(a). In the absence of an adequate record on appeal, we cannot address the issues raised and "presume the correctness of the proceedings below." State v. Mead, 2001 UT 58, ¶48, 27 P.3d 1115. Because Mother has not included a copy of the trial transcript on appeal,

we presume the correctness of each of the juvenile court's findings of fact. It is within this context that we analyze Mother's claim.¹

Mother argues that the juvenile court erred in concluding that it was in the best interest of the children to terminate Mother's parental rights because the court did not terminate the parental rights of the father of the youngest child. As such, she argues that the youngest child could not be adopted by C.G. and K.C.G. (Grandparents), thereby leaving the child's future clouded. In so arguing, Mother implies that it is impossible to find it in the children's best interest to terminate Mother's parental rights if the children are not in a placement that will necessarily lead to their adoption. Contrary to Mother's arguments, a person's parental rights may be terminated even if no adoptive home has been currently identified for the child. See Utah Code Ann. § 78-3a-411 (2002) (stating that upon termination child is placed in legal custody of a licensed child placement agency or the division for adoption and that all adoptable children shall be placed for adoption); id. § 78-3a-412 (2002) (discussing review procedure after termination to create permanent placement plan for children); see also In re S.L., 1999 UT App 390, ¶48, 995 P.2d 17 (noting that after statutory time runs on reunification efforts, the only option is to move toward adoption or some other permanent status; delay in termination proceedings is not an option). Thus, the child's adoption status is only one factor to consider in the determination of the best interest of the child.

The juvenile court's findings more than adequately support its conclusion that it was in the best interest of the children for Mother's parental rights to be terminated. At the time Grandparents filed the petition to terminate Mother's parental rights, Mother had already given up permanent custody of the children to Grandparents. After relinquishing custody, Mother was subsequently convicted of sexually abusing her two oldest children. As a result, Mother was sentenced to an indeterminate term of not less than fifteen years in the Utah State Prison. In contrast, the juvenile court made detailed findings concerning

¹It appears that Mother is making a facial challenge to the district court's conclusion that it was in the best interest of the children to terminate Mother's parental rights, i.e., as a matter of law, the court could not terminate her parental rights under the circumstances presented. However, to the extent Mother's appeal can be viewed as attacking the findings of the juvenile court, those findings are accepted as adequately supported.

the ongoing care the children are receiving and the loving and stable home in which they currently reside. Also, Grandparents currently have permanent custody of the children and hope to adopt all three children in the future. Under these facts, the question of whether Grandparents have the legal right to adopt the youngest child, when they have not sought to terminate the parental rights of his father (their son) is of little significance.

Accordingly, we affirm the order terminating Mother's parental rights.

Pamela T. Greenwood,
Associate Presiding Judge

Judith M. Billings, Judge

Gregory K. Orme, Judge